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Attorneys for Defendants
OAKLAND UNIFIED SCHOOL DISTRICT,
KIMBERLY STATHAM and GOVERNING BOARD OF
THE OAKLAND UNIFIED SCHOOL DISTRICT

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

FARM MENG SAEPHAN,

Plaintiff,

vs.

OAKLAND UNIFIED SCHOOL DISTRICT;
KIMBERLY STATHAM, State Administrator of the
Oakland Unified School District; GOVERNING
BOARD OF THE OAKLAND UNIFIED SCHOOL
DISTRICT,

Defendants.

Case No. C 06 4428 JCS

**NOTICE AND ~~PROPOSED~~ ORDER OF
DISMISSAL OF ENTIRE ACTION WITH
PREJUDICE**

[Fed.R.Civ.P. 41(a)(2)]

TO THE HONORABLE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Plaintiff FARM MENG SAEPHAN ("Plaintiff") and Defendants OAKLAND UNIFIED SCHOOL DISTRICT; KIMBERLY STATHAM; and GOVERNING BOARD OF THE OAKLAND UNIFIED SCHOOL DISTRICT (collectively "Defendants") (Plaintiff and Defendants are collectively referred to hereinafter as the "Parties"), have entered into and duly executed a binding and enforceable Settlement Agreement ("Agreement") in the above-entitled matter ("Action").

Pursuant to the primary terms of the Agreement, Defendants have *inter alia* paid Plaintiff the sum of eighty-thousand dollars (\$80,000.00) but have not admitted liability for any of the matters

1 alleged in the Action; the Parties have entered into a mutual general release of claims; Defendants
 2 have agreed that Plaintiff is the prevailing party in this Action for purposes of moving for her
 3 attorneys' fees and costs, and that Defendants shall pay Plaintiff's reasonable attorneys' fees and
 4 costs incurred in the Action and in litigating her motion for attorneys' fees and costs; the Parties
 5 have agreed that certain aspects of the Agreement shall remain confidential; and the Parties have
 6 proposed a fee motion briefing schedule (as set forth in the Joint Stipulation filed by the Parties and
 7 approved by the Court on June 10, 2008).

8 Therefore, by and through their respective counsel of record, the Parties hereby request that
 9 the Court enter an order dismissing this Action in its entirety with prejudice. The Parties further
 10 request that the Court retain jurisdiction over Plaintiff's motion for fees and costs and over
 11 enforcement of the terms of their Agreement.

12 Dated: July 16, 2008

DEBORAH A. COOKSEY
 General Counsel

14 By: /s/
 15 Deborah A. Cooksey
 Attorneys for Defendants

17 Dated: July 16, 2008

THE LEGAL AID SOCIETY
 Christopher Ho

19 By: /s/
 20 Christopher Ho
 Attorneys for Plaintiff

ORDER OF DISMISSAL

The request of Plaintiff and Defendants to dismiss the above-captioned Action as settled by the Parties with prejudice pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure is before the Court. After consideration and approval of the primary terms of the Settlement Agreement incorporated in the Parties' Notice of Dismissal of Entire Action with Prejudice ("Notice"), this Court finds that this joint request should be granted.

IT IS, THEREFORE, ORDERED that this Action is dismissed in its entirety with prejudice.

FURTHERMORE, the Court expressly incorporates into this Order the primary terms of the Agreement as set forth in the Notice and expressly retains jurisdiction over this Action for purposes of enforcing the Agreement and this Order, as well as hearing Plaintiff's motion for fees and costs.

IT IS SO ORDERED.

Dated: July 27, 2008

